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8	BOARD OF REGI	RE THE STERED NURSING
9		CONSUMER AFFAIRS CALIFORNIA
10	In the Matter of the Acquestion Accient	Case No. 2013-540
11	In the Matter of the Accusation Against: SYDNEY CLAIRE BRULJA aka SYDNEY	·
12	CLAIRE EMERSON 309 S. Magnolia Ave.	ACCUSATION
13	Monrovia, CA 91016	
14	Registered Nurse License No. 547322	
15	Respondent.	
16	ixespondent.	
17	Complainant alleges:	
18	PAR	<u>eties</u>
19	1. Louise R. Bailey, M.Ed., RN (Comp	lainant) brings this Accusation solely in her
20	official capacity as the Executive Officer of the	Board of Registered Nursing (Board),
21	Department of Consumer Affairs.	
22	2. On or about August 26, 1998, the Bo	pard issued Registered Nurse License Number
23	547322 to Sydney Claire Brulja aka Sydney Cla	ire Emerson (Respondent). The Registered Nurse
24	License was in full force and effect at all times r	elevant to the charges brought herein and will
25	expire on February 28, 2014, unless renewed.	
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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
 - 6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct"
- 7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

COST RECOVERY PROVISION

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. Nothing in this section shall preclude a board from including the recovery of the costs of the investigation and enforcement of a case in any stipulated settlement.

DRUG DEFINITION

- 9. **Hydromorphone Hydrochloride (Dilaudid)** a Schedule II controlled substance pursuant to Health and Safety Code section 11055 (b)(1)(j), and a dangerous drug pursuant to Business and Professions Code section 4022. It is a narcotic analgesic used for the relief of severe pain.
- 10. **Lorazepam (Ativan)** a Schedule IV controlled substance pursuant to Health and Safety Code section 11057 (d)(16), and a dangerous drug pursuant to Business and Professions Code section 4022. It is a psychotropic drug for the management of anxiety disorders.
- 11. Morphine/Morphine Sulfate a Schedule II controlled substance pursuant to Health and Safety Code section 11055 (b)(1)(l), and a dangerous drug pursuant to Business and Professions Code section 4022. It is a potent opioid analgesic for relief of pain.
- 12. **Vicodin** a Schedule III controlled substance pursuant to Health and Safety Code section 11056 (e)(4), and a dangerous drug pursuant to Business and Professions Code section 4022. It is a semisynthetic narcotic analgesic.

GLENDALE ADVENTIST MEDICAL CENTER

13. Respondent was employed as a registered nurse in the Emergency Department of Glendale Adventist Medical Center ("GAMC") for several years to on or about June 16, 2010. At all times relevant to the charges herein, GAMC used a drug dispensing system called the "Omnicell". The Omnicell is a computerized automated medication dispensing machine. The

user enters a password to gain access and dispense medication from the machine. The machine records the user name, patient name, medication, dose, date and time of the withdrawal.

Omnicell is integrated with hospital pharmacy inventory management systems.

14. On or about June 16, 2010, Respondent was terminated from the GAMC for diversion of narcotics. GAMC's investigation revealed several discrepancies in Respondent's narcotic transactions. The investigation revealed that Respondent withdrew narcotics without a physician's orders, failed to properly chart narcotics or follow physician orders, withdrew larger doses of narcotics than ordered by a physician, and withdrew narcotics that were not administered to the patients nor wasted per GAMC's protocol. GAMC's investigation revealed the following discrepancies:

PATIENT L.G. (#127685220)¹

Date & Time	Drug and Quantity Withdrawn from Omnicell	Charting
6-7-10 (8:02 AM)	Dilaudid 2 mg/1 ml ampule	No order; administered 0.5 mg Dilaudid at 8:00 AM; 1.5 mg
		Dilaudid not charted; wasted, or returned

PATIENT V.A.G. (#127685261)

Date & Time	Drug and Quantity Withdrawn from	Charting
	Omnicell Omnicell	
6-7-10 (9:58 AM)	Ativan 2 mg/1ml Inj.	No order; administered 2 mg Ativan
		at 9:50 AM
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¹ Patient will be referred to by initials only for the patient's privacy. The patient's identity will be provided in discovery.

Date & Time	Drug and Quantity Withdrawn from Omnicell	Charting
6-7-10 (12:57 PM)	2 Vicodin 5/500 mg	1 Vicodin 5/500 mg tablet ordered;
	tablets	administered 1 Vicodin tablet at
		12:45 PM; 1 Vicodin tablet not
		charted; wasted, or returned

11.

PATIENT M.A.R. (#127685337)

Date & Time Administered	Drug and Quantity Withdrawn from: Omnicell	Charting
6-7-10 (2:35 PM)	Dilaudid 2 mg/1ml ampule	no order; 2 mg Dilaudid not charted;
		wasted, or returned

PATIENT B.G. (#127687796)

Date & Time	Drug and Quantity Withdrawn from Omnicell	Charting
6-9-10 (7:05 AM) (9:34 AM) (10:49 AM) (1:59 PM)	1 Dilaudid 2 mg/1ml ampule	no order; administered 1 mg Dilaudid at 9:40 AM; 2 mg Dilaudid at 10:00 AM; 1 mg Dilaudid at 10:30 AM; 2 mg Dilaudid at 1:30 PM; 1 mg Dilaudid at 4:00 PM; 1 mg Dilaudid not charted, wasted or returned

PATIENT J.K. (#127687960)

Date & Time	Drug and Quantity Withdrawn from Omnicell	Charting
6-9-10 (3:18 PM)	1Dilaudid 2 mg/1ml	No order; 4 mg Dilaudid not
6-9-10 (4:48 PM)	ampule	charted; wasted, or returned
	1 Dilaudid 2 mg/1ml	
	ampule	
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DATIENTSDE	(#127699159)
PATIENT S.D.K.	(#14/U00120)

1	TITLE (TENDENCE)		
2	Date & Time	Drug and Quantity Withdrawn from Omnicell	Charting
4	6-9-10 (5:36 PM) 6-9-10 (6:35 PM)	1 Dilaudid 2 mg/1ml ampule	No order; 4 mg Dilaudid not charted; wasted, or returned
5		1 Dilaudid 2 mg/1ml ampule	,
6			
7		PATIENT R.A. (#12768	33043)
8 9	Date & Time	Drug and Quantity Withdrawn from Omnicell	Charting 5
10	6-10-10 (1:39 PM)	1 Dilaudid 2 mg/1ml	No order; administered 2 mg
11	6-10-10 (1:41 PM)	ampule 1 Dilaudid 2 mg/ 1ml	Dilaudid at 2:21 PM; 2 mg Dilaudid not charted; wasted, or returned
12		ampule	The total today, wasted, or retained
13	PATIENT R.S. (#127689032)		39032)
14 15	Date & Time	Drug and Quantity Withdrawn from	Charting
16	6-10-10 (8:43 AM)	Omnicell 1 Dilaudid 2 mg/1ml	No order; administered 1 mg
17	6-10-10 (9:23 AM) 6-10-10 (10:34 AM)	ampule 1 Dilaudid 2 mg/1ml	Dilaudid at 9:00 AM; 1 mg Dilaudid at 9:45 AM; .5 mg Dilaudid at 11:00
18	0-10-10 (10.34 AIVI)	ampule	AM; 3.5 mg Dilaudid not charted;
		1 Dilaudid 2 mg/1ml ampule	wasted, or returned
19		ampuic	
20		DATENIO E A (#1977)	00200
21		PATIENT E.A. (#12768	09209)
22	Date & Time	Drug and Quantity Withdrawn from	Charting
23	6-10-10 (2:43 PM)	Omnicell 1 Morphine 4 mg/1ml Inj.	No order; administered 2 mg.
24	6-10-10 (5:14 PM)	1 Dilaudid 2 mg/1ml	Dilaudid at 5:15 PM; 4 mg
25		ampule	Morphine not charted; wasted, or returned
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2 3	Date & Time	Drug and Quantity Withdrawn from Omnicell	Charting
4	6-10-10 (10:30 AM) 6-10-10 (11:51 AM)	1 Dilaudid 2 mg/1ml ampule	No order; administered 2 mg Dilaudid at 10:30 AM; 2 tablets
5	0 10 10 (11.0111.11)	2 Vicodin 7.5/750 mg tablets	Vicodin at 11:45 AM
6 7		L	,
8		PATIENT J.L.C. (#1276	(89545)
9	Date & Time	Drug and Quantity Withdrawn from Omnicell	Charting
11	6-10-10 (5:55 PM) 6-10-10 (6:12 PM)	1 Morphine 4 mg/1ml Inj.	Order for 1 mg Dilaudid; wasted 1
12	6-10-10 (6:12 PM) 6-10-10 (6:25 PM)	1 Dilaudid 2 mg/1ml ampule	mg of Dilaudid at 6:25 PM; administered 4 mg Morphine at 6:00
13		1 Dilaudid 2 mg/1ml ampule	PM; administered 1 mg Dilaudid at 6:20 PM; 2 mg Dilaudid not charted;
14			wasted, or returned
15		DAMESTA TO TE TE ///AB/	00011
16		PATIENT H.H. (#1276)	92911)
17	:Date & Time	Drug and Quantity Withdrawn from Omnicell	Charting
18	6-13-10 (5:16 PM)	1 Morphine 4 mg/1ml Inj.	No order; administered 2 mg of
19			Morphine; 1 mg Morphine not charted; wasted or returned
20			
21		PATIENT J.W. (#1276	59648)
22	Date & Time		Charting
23	vaie & Time	Drug and Quantity Withdrawn from	епация
24	6-13-10 (5:16 PM)	Omnicell 1 Morphine 4 mg/1ml Inj.	No order; administered 2 mg
25 26	,		Morphine; 2 mg Morphine not charted; wasted, or returned
27			
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1	PATIENT A.K. (#127692432)		
2	Date & Time	Drug and Quantity	Charting Charting
3		Withdrawn from Omnicell	
4	6-13-10 (7:25 AM)	1 Dilaudid 2 mg/1ml	No order; 8 mg Dilaudid not
5	6-13-10 (9:32 AM) 6-13-10 (11:28 AM)	ampule 1 Dilaudid 2 mg/1ml	charted; wasted, or returned
6	6-14-10 (7:07 AM)	ampule	
7		1 Dilaudid 2 mg/1ml ampule	
8		1 Dilaudid 2 mg/1ml	
9	,	ampule	
10	DATIENT T D (#127602424)		
11	PATIENT T.R. (#127692424)		
12	Date & Time	Drug and Quantity Withdrawn from	Charting
13		Omnicell	
ĺ	6-13-10 (7:55 AM)	1 Dilaudid 2 mg/1ml ampule	No order; 2 mg Dilaudid not charted; wasted, or returned
14			
15	PATIENT M.D. (#127692481)		
16	Date & Time	Drug and Quantity	Charting
17		Withdrawn from 5. Omnicell	
18	6-13-10 (10:38AM)	2 Vicodin 7.5/750 mg tablets	No order; administered 2 tablets Vicodin at 10:40 AM
19		tablets	v 100diii ut 10.40 111/1
20	PATIENT K.K. (#127693505)		
21		<u> </u>	
22	Date & Time	Drug and Quantity Withdrawn from	Charting.
23		Omnicell	
24	6-14-10 (6:50 AM) 6-14-10 (6:53 AM)	2 Vicodin 8 mg tablets 1 Morphine 4 mg/1ml Inj	No order; 2 Vicodin tablets, 8 mg Morphine not charted; wasted, or
25	6-14-10 (7:05 AM)	1 Morphine 4 mg/1ml Inj	returned
26		<u> </u>	,
27		///	
,		///	
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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Gross Negligence)

15. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, in that while employed as a registered nurse at GAMC, Respondent committed unprofessional conduct by withdrawing controlled substances and dangerous drugs from the Omnicell machine for eighteen (18) patients, and failing to properly obtain and verify physician's orders, document, waste, account for the controlled substances and dangerous drugs and/or administer the correct dosage or medication to the patients. Complainant refers to and incorporates all the allegations contained in paragraphs 13 -14, as though set forth fully.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Illegally Obtained or Possessed Controlled Substances)

16. Respondent is subject to disciplinary action under Code section 2762, subdivision (a), for unprofessional conduct, in that while employed as a registered nurse at GAMC, Respondent unlawfully obtained or possessed controlled substances and dangerous drugs without physician's orders, failed to account for the excess controlled substances and dangerous drugs withdrawn from Omnicell, and furnished or administered controlled substances and dangerous drugs to another without physician's orders. Complainant refers to and incorporates all the allegations contained in paragraphs 13 - 14, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Falsify, Make Grossly Incorrect, or Inconsistent Entries)

17. Respondent is subject to disciplinary action under Code section 2762, subdivision (e), for unprofessional conduct, in that while employed as a registered nurse at GAMC, Respondent falsified, or made grossly incorrect or grossly inconsistent entries in the medical records pertaining to controlled substances and dangerous drugs, which are inconsistent with the physician's orders and Narcotic Records. Respondent failed to correctly and consistently prepare and complete documentation pertaining to the administration and accounting of controlled

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stances and dangerous drugs in the medical records. Complainant refers to and incorporates he allegations contained in paragraphs 13 -14, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 547322, issued to Sydney 1. re Brulja aka Sydney Claire Emerson;
- Ordering Sydney Claire Brulja aka Sydney Claire Emerson to pay the Board of 2. stered Nursing the reasonable costs of the investigation and enforcement of this case, uant to Business and Professions Code section 125.3:
 - 3. Taking such other and further action as deemed necessary and proper.

SE R. BAILEY, M.ED., RN

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant